

XVII. PURSUIT POLICY

A. Definitions

The following definitions apply for the purpose expressed in this policy:

1. Pursuit: An active attempt by one or more police officers to apprehend a suspect operating a motor vehicle while the suspect is trying to avoid capture by using high speed driving or other evasive tactics such as driving off a highway, making sudden or unexpected movements, or maintaining legal speed but willfully failing to yield to the officer's signal to stop.
2. Serious Felony: A felony that involves an actual or threatened attack which the officer has reasonable cause to believe could result or has resulted in death or serious bodily injury (e.g., aggravated battery, armed robbery, and murder).
3. Deterrent: Any method of restriction, or show of force which would likely discourage further vehicular pursuit. Allowing a passage of escape.
4. Roadblock: Any method or obstruction utilized or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to affect the apprehension of an actual or suspected violator in a motor vehicle. This should be utilized only in extreme situations when deadly force is warranted.
5. Primary Pursuing Unit: The police unit that initiates a pursuit, or any unit that assumes control of the pursuit.

B. Policy

All emergency vehicle operations shall be conducted in strict accordance with existing statutes. Officers engaged in emergency vehicle operations shall utilize both audible and visual (emergency lights) emergency warning equipment when engaged in pursuit.

All personnel operating departmental vehicles shall exercise due regard for the safety of all persons. No assignment shall be of such importance, and no task shall be expedited with such emphasis, that the principles of safety become secondary. There are no tasks in the Department of such importance that they justify the reckless disregard of the safety of innocent persons. Departmental personnel will be held strictly accountable for the consequences of their reckless disregard for the safety of others.

C. Procedures

1. Pursuit is justified only when:
 - a. The officer knows or has reasonable grounds to believe the suspect presents a clear and immediate threat to the safety of other motorists and/or pedestrians. The officer must have knowledge of immediate

threat to the safety of others that is ongoing and that existed **prior** to the high speed pursuit.

- b. has committed or is attempting to commit a serious felony;
- c. when the necessity of immediate apprehension outweighs the level of danger created by the pursuit, as in the case of a serious traffic violation such as DWI.

2. Initiating/Primary Unit Responsibilities

- a. The responsibility for the decision to initiate pursuit rests with the individual officer. The officer initiating a pursuit shall, in all cases, notify Central Dispatch as soon as reasonably possible that a pursuit is underway and provide the following information, if known:
 - 1) Police unit identification;
 - 2) Location, speed and direction of travel;
 - 3) Vehicle description and license number;
 - 4) The specific reason for the pursuit, including known laws violated;
 - 5) Number of occupants;
 - 6) Traffic and weather conditions.
- b. Failure to provide the above information may be cause for the patrol supervisor to order termination of the pursuit.
- c. The initiating or primary unit shall be in field command and bears operational responsibilities for the pursuit unless relieved by a supervisor.
- d. The authority of the primary unit pertains to the immediate field operation and is, at all times, subordinate to the command of the patrol supervisor.
- e. The primary unit may maintain pursuit as long as it is safe to do so, or until directed to terminate the pursuit by a supervisor, or the suspect is stopped.
- f. The decision to abandon pursuit may be the most prudent course of action. Officers must continually question whether the seriousness of the crime justifies continuing the pursuit. A pursuit shall be terminated under any of the following circumstances:
 - 1) If, in the opinion of the pursuing officer or the patrol supervisor there is a clear and unreasonable danger to the officer and other users of the highway created by the pursuit that outweighs the necessity for immediate apprehension.
 - 2) The suspect's identity has been established to the point that later apprehension can be accomplished, and there is no longer any need for immediate apprehension.
 - 3) The prevailing traffic, roadway and environmental conditions indicate the futility of continued pursuit.

- 4) The pursued vehicle's location is no longer known.
- 5) The pursuing officer knows or is reasonably certain, that the fleeing vehicle is operated by a juvenile and the offense does not constitutes an immediate threat to life and the safety factors involved are obviously greater than a juvenile can cope with.
- 6) The termination of a pursuit does not prohibit the following of a vehicle at a safe speed or remaining in an area to reinitiate pursuit, if the opportunity and conditions permit.

3. Assisting Unit Responsibility

- a. Assistance will be coordinated by the Communications Center under the direction of the patrol supervisor. The patrol supervisor and primary unit will be advised of the identity and location of backup units who can assist.
- b. The active pursuit will normally involve not more than two units:
 - 1) The primary unit
 - 2) One backup unit
- c. If more assistance is specifically requested, the amount will be determined by:
 - 1) nature of the offense;
 - 2) number of suspects;
 - 3) whether the participating units have more than one officer;
 - 4) other clear and articulated facts that would warrant the increased hazard.
- d. Only the patrol supervisor or their designee may authorize more than two units to be in active pursuit. All other units will remain aware of the direction and progress of the pursuit but shall not respond or parallel the pursuit on adjacent streets unless specifically authorized to do so.
- e. The assisting unit, upon joining the pursuit, shall immediately notify the Communications Center of his/her identity. If the primary unit is a one-man unit, the assisting unit may assume radio communications responsibility, allowing the primary unit to devote full attention to driving.
- f. The assisting unit will maintain a safe distance behind the primary unit, but be close enough to render backup assistance if and when required.
- g. Assisting units shall, at all costs, avoid intersecting the path of an oncoming high-speed vehicle.

- h. If the primary unit becomes disabled, the assisting unit will become the primary unit. The next unit to join the pursuit will be designated by the patrol supervisor.

4. Communications Center Responsibilities

- a. Receive and record all incoming information on the pursuit and the pursued vehicle.
- b. Immediately notify the patrol supervisor when a pursuit is initiated. (Notify the patrol Captain as soon as practical)
- c. Clear radio channel of any unnecessary traffic.
- d. Perform relevant record and motor vehicle checks.
- e. Control all radio communications during the pursuit.
- f. Coordinate assistance under the direction of the patrol supervisor.
- g. Continue to monitor the pursuit until it has been terminated.

5. Supervisor Responsibilities

- a. Upon being notified of the pursuit, the patrol supervisor shall verify the following:
 - 1) No more than the required or necessary units are involved in the pursuit (2).
 - 2) Proper radio frequency is being utilized
 - 3) Affected allied agencies are being notified.
- b. The patrol supervisor will continue to direct the pursuit, and approve or order alternative tactics, such as the use of spike system, deterrent or a roadblock, and maintain control until the pursuit is terminated. In the absence of adequate information from the primary or backup unit, the patrol supervisor may order termination of the pursuit.

1) Emergency Vehicle Operation and Tactics

a) Offensive Tactics

In the course of pursuit, officers may not use their vehicles to bump or ram suspect vehicle, to force a vehicle off the road or in a ditch. Department policy on the Use of Deadly Force shall be adhered to during the pursuit.

The officers have spike systems, deterrent and roadblock capabilities.

Reckless or hazardous driving maneuvers shall not be duplicated by any pursuing vehicle.

b) Caravanning

There shall be no caravanning by field units not directly involved in the immediate pursuit.

c) Passing

There shall be no attempt by officers to pass other field units involved in the pursuit unless the passing officer received specific permission from the patrol supervisor.

d) Spacing

All units in pursuit, whether the vehicle in front of the unit is the suspect vehicle or another police vehicle, shall space themselves at a distance that will ensure proper braking and reaction time in the event the lead vehicle stops, slows, or turns.

e) Unmarked Police Vehicles

Officers operating unmarked vehicles (provided the vehicle is equipped with emergency lights and siren) may engage in pursuit only when the fleeing vehicle presents an immediate and direct threat to life or property. Whenever a marked vehicle becomes available to take over the pursuit, the unmarked vehicle will withdraw from active pursuit and serve in a support role.

f) Controlled Access Roadways

Officer shall not pursue suspects the wrong way on divided roadways unless specifically authorized by the patrol supervisor.

g) Roadblocks

- i. The use of a roadblock must be authorized by the patrol supervisor.
- ii. Generally, a roadblock will be employed only as a last resort.
- iii. The use of a roadblock must be directly associated with the seriousness of the crime for which the suspect is wanted.
- iv. The roadblock must be clearly visible and provide adequate warning to allow vehicles to come to a safe stop.

h) Traffic Control Devices

Extreme caution must be used whenever officers disregard traffic signs or signals, even though statutes specifically permit such

conduct. Officers shall make use of all available warning devices to alert other motorists and pedestrians.

2) Inter-jurisdictional Pursuits

- a) The Communications Center, with the approval of the patrol supervisor, will notify outside agencies if this Department is in pursuit in their jurisdiction.
- b) Officers shall not become involved in another agency's pursuit unless specifically authorized by the patrol supervisor or it is clearly demonstrated that a unit from an outside agency is unable to request assistance, or the emergency nature of the situation dictates the need for assistance. In these instances, all departmental pursuit policies are in effect.

3) Overtaking/Pursuit of violators

The responsibility for the decision to overtake rests with the individual officer. In arriving at this decision he/she must carefully consider all factors involved, including the seriousness of the offense, the possible consequences and most importantly, the safety of the general public. In order to diminish the likelihood of a pursuit, officers intending to stop a vehicle should, when practical, be within a close proximity to the vehicle prior to activating the emergency lights and siren. During the course of enforcement activities, specific incidents may escalate from routine overtaking situations if the suspect attempts to evade apprehension. If this occurs, applicable pursuit policy and procedures apply.

D. Crashes during pursuits

1. Generally, if an officer is involved in a traffic crash during the course of a pursuit, the officer will terminate his/her part in the pursuit.
2. The patrol supervisor will make the determination, as to whether the pursuit is terminated or continued with the backup officer moving up to primary officer.
3. The patrol supervisor will insure that the crash involving the primary unit is investigated.

E. Aggravated Fleeing a Law Enforcement Officer

1. Aggravated fleeing a law enforcement officer consists of a person willfully and carelessly driving his vehicle in a manner that endangers the life of another person after being given a visual or audible signal to stop, whether by hand, voice, emergency light, flashing light, siren or other signal, by a uniformed law enforcement officer in an appropriately marked

law enforcement vehicle in pursuit in accordance with the provisions of the Law Enforcement Safe Pursuit Act.

F. Pursuits outside City limits

1. No pursuit shall be continued outside the city limits unless authorized by the patrol supervisor.
2. If an officer of the Department is in pursuit and the pursuit crosses a state line, the officer will have Central Dispatch notify those authorities. Once those responding authorities join the pursuit, the pursuit will be handled by them. Department officers will only assist if needed, abiding by our guidelines.
3. Outside authorities may arrest the felon, based on probable cause supplied by the Deming Officer, and hold the felon for twenty-four (24) hours pending issuance of a warrant from New Mexico. Once the warrant has been issued, formal extradition proceeding can begin.
4. Under no circumstances will a Deming Police Officer transport any person apprehended in another state back across the state line without the proper extradition proceedings being completed.

G. Follow-up Requirements

1. The on-duty supervisor shall ensure that all participating officers document their involvement in the pursuit. The supervisor shall prepare a summary report which includes:
 - a) the names of participating officers;
 - b) a narrative description of where the pursuit began and under what circumstances, where it ended and under what circumstances, and the duration of the pursuit;
 - c) a description of the tactics used to stop the suspect's vehicle and an evaluation of their effectiveness;
 - d) any observations on the behavior or actions of the fleeing driver that may support additional criminal charges;
 - e) a description of how the suspect was apprehended, and the force-measures employed;
 - f) a description of property damaged or an account of injuries sustained during the pursuit or death, or the use of deadly force is initiated, all involved officers will submit applicable reports to the Chief of Police through the chain of command;
 - g) the offenses for which the suspect was charged; and
 - h) A review of any pursuit will be conducted by the division commander as soon as possible. The review will be completed by analyzing all available information. The purpose of such review is to determine any additional or supplemental training needs or policy review.